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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,423	09/27/2001	Amos Nussinovitch	919 1002	7772

21831 7590 12/17/2002

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NEW YORK, NY 10036-5803

EXAMINER
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NAFF, DAVID M

ART UNIT	PAPER NUMBER
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1651

DATE MAILED: 12/17/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/55643

Applicant(s)

Mursinich et al

Examiner

Xiaff

Group Art Unit

1651

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## P r i d f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 9/27/07
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disp sition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☒ Claim(s) 1-20 are subject to restriction or election requirement.

## Applicati n Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Pri rity under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

The preliminary amendment of 5/21/01 has been entered. The amendment amended claims 1, 3-8 and 11-15, and added new claims 16-20.

Claims in the application are 1-20.

The drawings filed 9/27/01 have been approved by the draftsman.

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***Election/Restriction***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

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I. Claims 1-10, 13 and 14, drawn to a method of coating a cell with a thin coating of hydrocolloid, wherein after applying the thin coating the coating is crosslinked, classified in class 435, subclass 382.

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II. Claims 12, 16 and 17, drawn to a method of postponing hatching of Xenopus laevis embryos by applying a thin coating of hydrocolloid to a Xenopus laevis egg and crosslinking the coating, classified in class 424, subclass 400.

III. Claims 15 and 18-20, drawn to a cell having a thin coating of hydrocolloid, classified in class 435, subclass 178.

The inventions are distinct, each from the other because:

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The method of coating a cell I does not have to be carried out in a method of postponing hatching as required by the method of II, and coating in the method of II can be performed other than as required by the method of I. For example, the method of coating of I can be used to coat a cell to protect the cell during use or storage and not to postpone hatching, and in the method of II the hydrocolloid can be sprayed onto the egg rather than placing the egg in a solution of hydrocolloid and

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then removing the egg from the solution before crosslinking as required in the method of I. The coated cell of III can be produced by a method other than required by the methods of I and II since the thin coating on the coated cell of III does not have to be crosslinked, and the coated  
5 cell of III does not have to be produced when postponing hatching as in II, and the coating can be sprayed on the cell without performing the steps of I. Inventions I, II and III can each be carried out separately using different steps to provide a different end result.

Because these inventions are distinct for the reasons given above  
10 and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even  
15 though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application.  
20 Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M. Naff whose telephone number is (703) 308-0520. The examiner can normally be reached on

Monday-Thursday and every other Friday from about 8:30 AM to about 6:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, a message can be left on voice mail.

- 5 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn, can be reached at telephone number (703) 308-4743.

The fax phone number is (703) 872-9306 before final rejection or (703) 872-9307 after final rejection.

- 10 Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

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DAVID M. NAFF  
PRIMARY EXAMINER  
ART UNIT 1651